

CLOSED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**United States of America**

**v.**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed on or After November 1, 1987)

**Leyvi Zuniga-Zuniga**

**No. 08-15985-001M-SD**

Citizen of Mexico

**Juan Rocha (AFPD)**  
Attorney for Defendant

USM#: 76208208

DOB: 1988

ICE#: A949 77 832

**THE DEFENDANT ENTERED A PLEA OF** guilty on 7/15/2008 to Count TWO of the Complaint.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

**IT IS THE JUDGMENT OF THE COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of SIX (6) MONTHS on Count TWO, with credit for time served.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT:** \$Remitted

**FINE:** \$

**RESTITUTION:** \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

**IT IS FURTHER ORDERED** that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.  
The defendant is remanded to the custody of the United States Marshal.

**08-15985-001M-SD**

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USA vs. Leyvi Zuniga-Zuniga

Date of Imposition of Sentence: **Tuesday, July 15, 2008**

Date 7/15/2008

JAY R. IRWIN, United States Magistrate Judge

**RETURN**

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal  
08-15985-001M-SD -

By: \_\_\_\_\_  
Deputy Marshal

DATE: 7/15/2008 CASE NUMBER: 08-15985-001M-SD

**PLEA/SENTENCING MINUTES**

USA vs. Leyvi Zuniga-Zuniga

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney \_\_\_\_\_ INTERPRETER REQ'D Ricardo Gonzalez  
LANGUAGE: Spanish

Attorney for Defendant Lorna Spencer for Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 6/18/2008 ☒ Complaint Filed ☒ Appointment of counsel hearing held  
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed  
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA  
Set for: before:

- ☐ Defendant ordered temporarily detained in the custody of the United States Marshal  
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ \_\_\_\_\_  
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset  
Set for: before:

- ☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd  
☐ Consent of Defendant ☐ Information filed \_\_\_\_\_ ☐ Complaint filed \_\_\_\_\_  
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO  
☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name.  
☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint  
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.  
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed  
☐ Court does not accept defendant's plea of guilty because \_\_\_\_\_  
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence  
☐ Continued for sentence to \_\_\_\_ before \_\_\_\_\_  
☒ To be dismissed upon entry of the judgment, Ct(s) ONE  
☒ ORDER vacate trial date/motion hearing/mtns moot  
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

**SENTENCING:**

- ☒ Defendant committed to Bureau of Prisons for a period of SIX (6) MONTHS ☐ Probation/Supervised Release for \_  
☒ Special Assessment \$ REMITTED ☐ Fine \$ \_\_\_\_\_ ☐ Restitution \$ \_\_\_\_\_

Other: \_\_\_\_\_

RECORDED: CS  
BY: Jocelyn M. Arviso, Deputy Clerk

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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
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9 United States of America,  
10 Plaintiff,

11 vs.

12 ZUNIGA ZUNIGA, LETVI  
13 Defendant.  
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CASE NUMBER 08-15985

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**WAIVER OF REMOVAL HEARING**

I waive my right to have a Removal Hearing and agree that my case may be adjudicated in the Southern District of California.

DATED this 15 day of July, 2008.

X Letvi Zuniga  
Defendant

  
Attorney for the Defendant

# United States District Court

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Leyvi ZUNIGA-Zuniga

Citizen of Honduras

YOB: 1988

094977832

Illegal Alien

AMENDED

CRIMINAL COMPLAINT

CASE NUMBER: 08-15985

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

### COUNT I

That on or about October 17, 2007, Defendant Leyvi ZUNIGA-Zuniga was arrested and removed from the United States to Honduras through the port of Denver, Colorado, in pursuance of law, and thereafter on or about June 17, 2008, Defendant was found in the United States near Yuma, Arizona within the District of Arizona, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

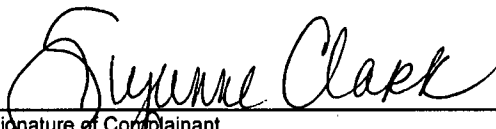
### COUNT II

That on or about June 10, 2008, within the Southern District of California, Defendant Leyvi ZUNIGA-Zuniga, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

  
\_\_\_\_\_  
Signature of Complainant  
Suzanne Clark  
Lead Patrol Agent

July 15, 2008  
\_\_\_\_\_  
Date

at

Yuma, Arizona  
\_\_\_\_\_  
City and State

Jay R. Irwin, U.S. Magistrate  
\_\_\_\_\_  
Name & Title of Judicial Officer

\_\_\_\_\_  
Signature of Judicial Officer

## STATEMENT OF FACTUAL BASIS

Defendant: Leyvi ZUNIGA-Zuniga

Dependents: 1-Honduran

**IMMIGRATION HISTORY:** The Defendant was last removed through Denver, Colorado on October 17, 2007. **The Defendant was also removed through Phoenix, Arizona on February 14, 2007.**

**CRIMINAL HISTORY:**

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
08/12/05 San Francisco, CA	Poss/Purchase Cocaine	Certified to Juv. Ct.
07/27/06 Denver, CO	Controlled Sub. – Possess (F)	2 Yrs. Prob.; 50 Hrs. Comm. Service
7/27/06 Denver, CO	Marijuana – Distribution (F)	Dismissed
8/17/06 Denver, CO	Controlled Sub. – Possess (F)	90 Days Jail; 50 Hrs. Comm. Service

**Narrative:** The Defendant, a citizen of Honduras and illegally within the United States, was encountered by Yuma Border Patrol agents near Yuma, Arizona.

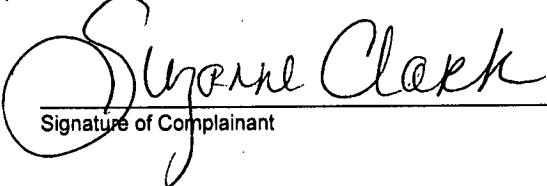
The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Honduras and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on June 10, 2008.

**Charges:** 8 USC§1326  
8 USC§1325

(Felony)  
(Misdemeanor)

  
\_\_\_\_\_  
Signature of Complainant

Sworn to before me and subscribed in my presence,

July 15, 2008

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judicial Officer